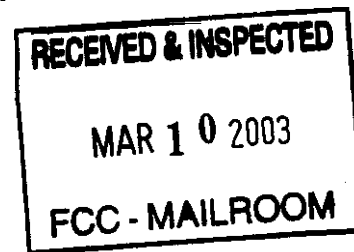


**CHAMBERSBURG AREA SCHOOL DISTRICT
ADMINISTRATIVE OFFICES**

DOCKET FILE COPY ORIGINAL

**435 STANLEY AVENUE
CHAMBERSBURG, PA 17201-3628
TELEPHONE (717) 263-9281**



March 6, 2003

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

CC Docket Nos. 96-45 and 97-21
Letter of Appeal
471 Application # 310106
FRN # 809167
Funding Year: 2002 (Year 5)

Contact Information: Rick Vensel, Business Manager
(717)261-3313
venseric@chambersburg.k12.pa.us

To Whom It May Concern:

We are writing to appeal a decision by the SLD that pertains to a Year 5 Funding Request for Nextel Cellular Services. We understand the program only provides discounts for services used for eligible educational purposes, and believe this appeal will show that our original request did not violate the 30% ineligibility rule as the administrator has indicated.

The original request included an attachment showing the names and titles of all individuals that use cellular service in the District. It also included a column that showed for which individuals the District was seeking E-rate reimbursement (see attachment A).

As you can see, the District made a good-faith effort to subtract the cellular usage of individuals we believed did not have a direct educational purpose, such as personnel director, computer technicians, construction manager, transportation manager, custodial manager, and director of buildings and grounds. As you can see, only 61.76% of the total monthly cellular bill was submitted for E-rate reimbursement. Nine of the 34 cell phone bills were removed from the E-rate request.

On April 24, 2002, the SLD denied the entire FRN citing that "30% or more of this FRN includes a request for cellular service for ineligible persons based on program rules."

cc of letter rec'd
LIST ARCODE

We understand now that business managers and athletic trainers are not eligible users. However, we stand by our submission that the other individuals are directly involved with curriculum or instruction of our students. If the 4 bills that represent business managers and athletic trainers are removed, there would still be much less than 30% ineligible users of this service.

During our appeal review, Mr. Vida of the SLD requested information about the functions of several other individuals on the list, and we provided detailed descriptions on how they are involved with curriculum and the frequency of this involvement (attachment B).

During our conversations with Mr. Vida, he indicated that in order for cellular service to be eligible, an individual must be involved with curriculum and instruction on a daily basis. Merely searching and not finding any indication of the frequency of involvement for eligibility on the SLD website, we contacted our state E-rate contact, Julie Tritt Schell, who contacted several regional representatives of the Program Integrity Assurance Review staff to ask about this policy. She was told that Mr. Vida's interpretation was not the SLD's policy and that individuals did not have to provide instruction or be involved with curriculum on a daily basis in order to have their cellular service be eligible for discounts.

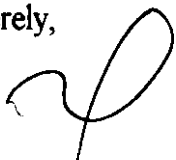
Based on this fact, and on our strong belief that the remaining 21 individuals are involved with curriculum or instruction, and that more than 70% of our original request is for eligible users, we respectfully request the FCC to overturn the SLD's decision and grant our request for E-rate discounts on this FRN. We fully understand that the request may be reduced to remove the individuals that we have cited above.

Please know that we understand the SLD's need to implement a 30% rule in order to restrict entities for applying for services and equipment, regardless of its eligibility. However, we made an honest effort in our original request to subtract the individuals that we did not feel were involved with the education of students, according to our interpretation of the SLD's educational purpose statement. We were not one of the entities that carelessly disregarded the 30% policy or tried to subvert the E-rate rules.

As an aside, we would like to mention to the Commission that although we did not request discounts on cellular service for computer technicians, we strongly believe that if the intent of this program is to bring Internet access to the classroom so it can be integrated into the curriculum, then these are the very individuals that SHOULD have cellular service. When a teacher's lesson is interrupted by a slow or downed network, the only individuals in the district that can help this teacher is the computer technician, and normally the only way to reach these individuals is via cell phone.

If we can provide additional information regarding this appeal, please contact me

Sincerely,



Richard R. Vensel
Business Manager

cc: Mike Helm
Julie Tritt

#	Position	Name	E-rate Eligible	Rate
1	Health Services	Ann Sheldon	x	\$14.18
2	Assistant Superintendent	Ted Rahbold	x	\$14.18
3	Assistant Superintendent	Eric Michaels	x	\$14.18
4	Assistant Superintendent	James Taylor	x	\$14.18
5	Business manager	Rick Vensel	x	\$14.18
6	Health Services	Chris Lautenslager	x	\$14.18
7	Computer Coordinator	Dave Kirkpatrick	x	\$14.18
8	Psychologist	Dianne Hetrick	x	\$14.18
9	Health Services	Geraldine Brubaker	x	\$14.18
10	Home & School Visitor	Grant McCormick	x	\$14.18
11		High School Student Athletic Trainer	x	\$14.18
12		High School Student Athletic Trainer	x	\$14.18
13	Psychologist	Jason Pyles	x	\$14.18
14	Psychologist	Jeff Lensbower	x	\$14.10
15	Psychologist	John Pasierb	x	\$14.18
16		Jr High Athletic Trainer	x	\$14.18
17	Spec Ed Supervisor	Leslie Goldenberg	x	\$14.18
18	Director of Special Ed	Lisa Frank	x	\$14.18
19	Health Services	Nancy Hoke	x	\$14.18
20	Health Services	Penny Shives	x	\$14.18
21	Health Services	Ruth Finch	x	\$14.18
22	Health Services	Sue Mader	x	\$14.18
23	Superintendent	Ed Sponseller	x	\$14.18
24	Teacher	Dave Snyder	x	\$14.18
25	Outreach Worker	Wilma Fore	x	\$14.18
26	Construction Manger	Joe Heffron		\$14.18
27	Custodial manger	Ed Peters		\$14.18
28	Director of Buildings and grounds	Dick Bender		\$14.18
29	Computer Technician	Joshua McConnaughey		\$14.18
30	Personal Director	Lynn Lerew		\$14.18
31	Transportation Manager	Lamar Hollar		\$14.18
32	Computer Technician	Craig Kirkpatrick		\$14.18
33	Computer Technician	Mike Pittenger		\$14.18
34	Computer Technician	Melinda Stenger		\$14.18

Monthly Cost	\$482.12
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Annual Cost	\$5,785.44
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Percent Users Reimbursable	61.76%
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